

IN THE SPECIFICATION:

Please replace the paragraph beginning on page 4, line 9 with the following amended paragraph.

In order to realize the second object, as one aspect of the present invention, there is an information recording and reproducing apparatus for selectively recording or reproducing information into or from an information recording layer consisting of either a ~~signal~~ single information recording layer of a monolayer type of information recording medium or one of a plurality of information recording layers of a multilayer type of information recording medium, the apparatus comprising: a first setting device configured to initialize operating parameters to be appropriate for either the recording or reproduction of the information into or from the information recording layer of the monolayer type of information recording medium; a determination device configured to determine whether or not an information recording medium loaded currently in the information recording and reproducing apparatus is the monolayer type of information recording medium or the multilayer type of information recording medium, the determination being carried out after the initialization of the operating parameters; a first recording/reproducing device configured to start recording or reproducing the information into or from the information recording layer of the monolayer type of information recording medium on the basis of the initialized operating parameters, when the determination device determines that the currently loaded information recording medium is the monolayer type of information recording medium; a second setting device configured to change the operating parameters to be appropriate for either the recording or reproduction of the information into or from the information recording layer of the multilayer type of information recording medium, when the determination device determines that the currently loaded information recording medium is the

multilayer type of information recording medium; and a second recording/reproducing device configured to start recording or reproducing the information into or from the information recording layer of the multilayer type of information recording medium on the basis of the changed operating parameters.

Please replace the paragraph beginning on page 5, line 7 with the following amended paragraph.

To realize the second object, there is provided another aspect of the present invention, which is an information recording and reproducing method for selectively recording or reproducing information into or from an information recording layer consisting of either a ~~signal~~ single information recording layer of a monolayer type of information recording medium or one of a plurality of information recording layers of a multilayer type of information recording medium, the method comprising the steps of: initializing operating parameters to be appropriate for either the recording or reproduction of the information into or from the information recording layer of the monolayer type of information recording medium; determining whether or not an information recording medium loaded currently is the monolayer type of information recording medium or the multilayer type of information recording medium, the determination being carried out after the initialization of the operating parameters; first starting recording or reproducing the information into or from the information recording layer of the monolayer type of information recording medium on the basis of the initialized operating parameters, when it is determined that the currently loaded information recording medium is the monolayer type of information recording medium; changing the operating parameters to be appropriate for either the recording or reproduction of the information into or from the information

recording layer of the multilayer type of information recording medium, when it is determined that the currently loaded information recording medium is the multilayer type of information recording medium; and second starting recording or reproducing the information into or from the information recording layer of the multilayer type of information recording medium on the basis of the changed operating parameters.

Please replace the paragraph beginning on page 6, line 1 with the following amended paragraph.

To realize the second object, there is provided further aspect of the present invention, which is a program enabling a computer to function for selectively recording or reproducing information into or from an information recording layer consisting of either a ~~signal~~ single information recording layer of a monolayer type of information recording medium or one of a plurality of information recording layers of a multilayer type of information recording medium, the computer providing the functions of: initializing operating parameters to be appropriate for either the recording or reproduction of the information into or from the information recording layer of the monolayer type of information recording medium; determining whether or not an information recording medium loaded currently is the monolayer type of information recording medium or the multilayer type of information recording medium, the determination being carried out after the initialization of the operating parameters; first starting recording or reproducing the information into or from the information recording layer of the monolayer type of information recording medium on the basis of the initialized operating parameters, when it is determined that the currently loaded information recording medium is the monolayer type of information recording

medium; changing the operating parameters to be appropriate for either the recording or reproduction of the information into or from the information recording layer of the multilayer type of information recording medium, when it is determined that the currently loaded information recording medium is the multilayer type of information recording medium; and second starting recording or reproducing the information into or from the information recording layer of the multilayer type of information recording medium on the basis of the changed operating parameters.

Please replace the paragraph beginning on page 10, line 1 with the following amended paragraph.

In addition, the distance from the disk (~~DS1~~) (DK1) surface, through which the radiated optical beam B comes into the disk, to the information recording layer L1 with the reflection layer in the lead-in area is designed so that the distance is equal to that of a monolayer type of optical disk in which one information recording layer is formed alone (that is, a distance from the surface, through which the optical beam B comes into the disk, to the only one information recording layer). Practically, such distance is 100 μm , which is specified as a distance from the optical beam incidence-side surface to the only one information recording layer in the monolayer disk categorized into the high-density DVD.